

### REMARKS

Claims 1-7, 9-40, 55-58, and 60-73 were previously pending in this application. Claims 1, 13, and 62 are amended herein. No new claims have been added. Upon entry of the present amendment, claims 1-7, 9-40, 55-58, and 60-73 will remain pending for examination with claims 1, 13, 16, 18, and 62 being independent claims. No new matter has been added.

#### Allowable Subject Matter

Applicant notes with appreciation that claims 16-27 are allowed and that claims 4, 28, 29, 65, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Claim Amendments

Each of claims 1, and 13 are amended to recite “a fastener assembly comprising: a fastening element; and a fastener comprising: a housing ... and a depressable latch” where the fastening element is retained “absent a direct external force *applied to the fastener* to depress the latch.” (emphasis added.) Similarly, claim 62 is amended to recite “a fastener assembly comprising: a fastening element; and a fastener comprising: a depressable latch; and a housing” where “a direct external force *can be applied to the fastener* to depress the latch.” (emphasis added.)

Support for these claim amendments can be found, for example, at page 3, lines 16-19 and in Figures 3 and 4.

#### Claim Rejections

Claims 1-3, 5-7, 9-15, 30-34, 55, 62-64, 66-69, and 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,519,380 to Kochanski (“Kochanski”) in view of U.S. Patent No. 1,423,590 to Zimmerman (“Zimmerman”). The Applicant respectfully asserts that the claims as amended are patentable in view of the cited references because neither Kochanski nor Zimmerman teach or suggest “a fastener assembly comprising: a fastening element; and a fastener comprising: a housing ... and a depressable latch” where the fastening element is retained “absent a direct external force *applied to the fastener* to depress the latch” as recited in claims 1 and 13, or “a fastener 766563.1

assembly comprising: a fastening element; and a fastener comprising: a depressable latch; and a housing" where "a direct external force *can be applied to the fastener* to depress the latch" as recited in claim 62. (emphasis added.)

As an initial matter, the Applicant asserts that, as amended, the claims do clearly convey that the external force is not provided through the fastening element.

The Applicant also respectfully disagrees with the Office Action which states that "a person can merely apply a direct force to button engaging portions 13 of Kochanski which would depress the tongue and allow the removal of the button wherein the external force is not provided through the fastening element." (Office Action at page 6.) Kochanski describes that a button member is engaged with a button securing member, and "the button engaging portion 13 is slotted lengthwise of the member B and said slot may be in the form of a keyhole slot as shown. The slot is made wide enough to permit the shank or neck of the button to be passed through it but not wide enough for the head of the button to pass through." Kochanski at lines 60-67. In Kochanski, the button member is disconnected from the button securing member "by moving it along the slot and applying sufficient force to force back the tongue as the head of the button is moved past it." Kochanski at lines 86-90. Thus, in Kochanski, force is applied to the button member in order to disconnect it from the button securing member.

Kochanski describes an operation that does not involve application of "a direct external force" to "the fastener" as recited in claims 1, 13, and 62. Further, the description and the figures describe a device that cannot operate in the manner stated in the Office Action.

Specifically, any force applied to the button engaging portion 13 will tightly trap the head 11 of the button member within the button securing member because, as shown in Figure 8, both the spring 14 and the head 11 are located between the two members 12 and 13. As a result, when the device in Kochanski is fastened, attempts to depress the spring 14 independent of the button will fail because the head 11 will prevent the button engaging portion 13 from being depressed. Instead, the head 11 will be pressed and immovably secured between the two members 12 and 13. Thus, no clearance for removal of the button member is created when the device in Kochanski is operated in the manner described in the Office Action.

Zimmerman fails to cure the deficiencies of Kochanski; therefore, Applicant asserts that independent claims 1, 13, and 62 are allowable because neither Kochanski nor 766563.1

Zimmerman alone or in proper combination teach or suggest “a fastener assembly comprising: a fastening element; and a fastener comprising: a housing ... and a depressable latch” where the fastening element is retained “absent a direct external force *applied to the fastener* to depress the latch” as recited in claims 1 and 13, or “a fastener assembly comprising: a fastening element; and a fastener comprising: a depressable latch; and a housing” where “a direct external force *can be applied to the fastener* to depress the latch” as recited in claim 62. (emphasis added.) In addition, each of dependent claims 2-3, 5-7, 9-12, 14, 15, 30-34, 55, 63, 64, 66-69, and 71-73 is also allowable because each depends either directly or indirectly from one of the allowable independent claims.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicant submits that claims 1-7, 9-40, 55-58, and 60-73 are clearly and patentably distinguished over the cited references and are therefore allowable. Applicant respectfully requests entry of this Amendment, reconsideration of all pending claims and withdrawal of all bases of objection and rejection. This application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is cordially invited to call the Applicant's attorney at the telephone number listed below.

A petition and fee for two months extension of time is included herewith. If this response is not considered timely filed in view of the accompanying petition and fee, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,  
*Robert B. Chaffee, Applicant*

By: 

Robert V. Donahoe, Reg. No. 46,667  
John N. Anastasi, Reg. No. 37,765  
LOWRIE, LANDO & ANASTASI, LLP  
One Main Street  
Cambridge, Massachusetts 02142  
United States of America  
Telephone: 617-395-7000  
Facsimile: 617-395-7070

Docket No.: C0852/7013 JNA  
Date: June 27, 2005